IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1511 OF 2003

Jai Jawan Maji Sainik Jeevan
Vikas Gruha Nirman Sanstha
(Mandal) Maryadit Petitioner
versus
Additional Commissioner,
Pune Division and others Respondents

Dr.V.K.Choudhari for petitioner.
Ms.S.G.Deshmukh for respondent no.9.
Mr.Navnath Patil for respondent no.5.

CORAM : A.M.KHANWILKAR, J.
DATE : 12th October 2007

PC :-

1. My attention is invited to order dated 21st September 2007 passed by the Division Bench in Letters Patent Appeal No.168 of 2007. Perhaps the said order is the outcome of the confusion created by the parties before the Division Bench of this Court. Insofar as Writ Petition No.1511 of 2003 is concerned, the same has been rejected by order dated 19th August 2003 as is clear from paragraph 1 of the order. There was no reason to assume that the said writ petition is still pending. The fact that the writ petition has been rejected on merits is reinforced from the order passed by another Single Judge of this Court on 6th January 2004 to consider the matters which were required to be inquired into in terms of observations made in paragraph 2 onwards of

the order dated 19th August 2003. That issue arose out of the assertion made by one party against another that the other party has no authority to prosecute the matter. To enquire into those aspects, which was independent of the merits of the issues involved in the writ petition which was already rejected; and if that grievance was to be accepted than to proceed against the erring person and to take the matter to its logical end. The report of the Charity Commissioner, Pune was invited as can be found from the observations of para 2 of the order dated 19th August 2003. On receipt of the said report the matter has been considered by another Single Judge of this Court on 6th January 2004. The learned Judge proceeded to examine the matters stated in the Assistant Charity Commissioner's Report and thought it appropriate that no further action was warranted. Thus understood, there is no action pending for consideration before the Single Judge. The parties will be free to point out this position to the Division Bench, if so advised.

(A.M.KHANWILKAR, J.)